

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DEVIN G. NUNES,

22-cv-1633 (PKC)

Plaintiff,

ORDER

-against-

NBCUNIVERSAL MEDIA, LLC,

Defendants.

-----x

CASTEL, District Judge:

Federal courts are courts of limited jurisdiction. See, e.g., Gunn v. Minton, 568 U.S. 251, 256 (2013). “An argument that subject-matter jurisdiction is lacking may be raised at any time, by any party, or even sua sponte by the court.” Presidential Gardens Assocs. v. U.S. ex rel. Sec'y of Hous. & Urban Dev., 175 F.3d 132, 140 (2d Cir. 1999).

The Complaint invokes federal diversity jurisdiction. (Compl’t ¶ 9.) Plaintiff Devin G. Nunes is alleged to be a California citizen. (Compl’t ¶ 7.) Defendant NBCUniversal Media, LLC (“NBC”) is alleged to be a limited liability company “organized and existing under the laws of the State of Delaware with its principal place of business in New York.” (Compl’t ¶ 8.) A complaint premised on diversity of citizenship must allege the citizenship of natural persons who are members of a limited liability company and the place of incorporation and principal place of business of any corporate entities that are members of the limited liability company. See Carter v. HealthPort Techs., LLC, 822 F.3d 47, 60 (2d Cir. 2016) (“In general, the citizenship of a limited liability company is determined by the citizenship of each of its members.”); Strother v. Harte, 171 F. Supp. 2d 203, 205 (S.D.N.Y. 2001) (“For purposes of

diversity jurisdiction, a limited liability company has the citizenship of each of its members.”); Rule 8(a), Fed. R. Civ. P.

Within fourteen days of this Order, Nunes may serve upon NBC an interrogatory limited to the citizenship of all natural persons who are its members, and, if any corporation is a member, the jurisdiction under whose laws it is incorporated and its principal place of business. Defendant shall have seven days to respond to the interrogatory.

Within thirty days of this Order, the plaintiff shall amend his complaint to allege the citizenship of the defendant or the action will be dismissed for lack of subject matter jurisdiction.

SO ORDERED.



P. Kevin Castel
P. Kevin Castel
United States District Judge

Dated: New York, New York
March 1, 2022